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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,255	03/04/2002	Christophe Thal	6311-038	4117

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PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK, NY 10036-8299

EXAMINER

KHATTAR, RAJESH

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/090,255

Applicant(s)

THAL ET AL.

Examiner

Rajesh Khattar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>October 24, 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement

1. This communication is in response to Applicant's application filed on March 4, 2002. Claims 1-30 are pending in the application and have been examined on their merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 10-16, 20-25 and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Crawford et al. US Patent Application No. 2003/0083984 (herein after Crawford).

Regarding claims 1, 10-11, 20 and 29-30, Crawford discloses a method for communicating a description of a bond (debt security) by creating a description of a bond by formatting values for at least some attributes according to a document type definition ([0028]-[0030]) and communicating the description of bond between first and second entity ([0028]). Examiner has given little/no patentable weight to selecting some

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attributes of a bond and choosing a value for each of the attribute as these features are necessarily present with a bond. Therefore, these features are inherent to any bond.

Regarding claims 6, 16 and 25, Crawford teaches that the document type definition conforms to an Extensible Markup Language syntax ([0029]-[0030]).

Regarding claims 2-5, 12-15 and 21-24, Examiner notes that attributes such as maturity, redemption, credit quality, interest, price, coupon type, yield are all necessary associated with a bond. As such, Examiner has given little/no patentable weight to these terms/feature. Applicant is invited to address this issue if Examiner's interpretation is not in line with Applicant's invention.

3. Alternatively, claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Finebaum, US Patent Application No. 2002/0156719 (herein after Finebaum). Finebaum teaches the use Extensible Markup Language by utilizing Data Type Definition (DTD) in formatting and communicating description of a bond between a first and second entity ([0467], [0576], claims 38, 39, 41; [0025], [0027]). Finebaum also teaches that the bond is corporate, government and emerging market bond (claim 41; [0027]; Examiner interprets government bond as municipal bond as cited in the reference).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9, 17-19 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford and further in view of Finebaum. Crawford illustrates the invention as described above. However, Crawford fails to specifically disclose that the bond is a corporate, government or emerging market bond. Finebaum discloses that the bond instruments include corporate, emerging market and government bond (claim 41; [0027]; Examiner interprets government bond as municipal bond as cited in the reference). Therefore, it would have been obvious for a person having ordinary skills in the art at the time the invention was made to modify the invention of Crawford to include bond type (corporate, government or emerging market) as taught by Finebaum. One would have been motivated to do so in order to extend the use of Extensible Markup Language for formatting a variety of bonds.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are US Patent No. 5812988, 6021202, 6912529, 7072863 and US Patent Application No. 2001/0018739, 2002/0156719, 2003/0083984, 2005/0174473.

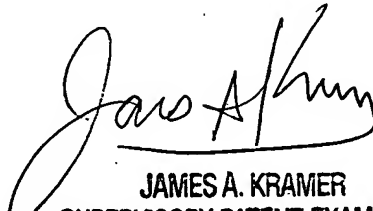
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajesh Khattar whose telephone number is 571-272-7981. The examiner can normally be reached on M-Th 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK
Feb. 28, 2007

 2/28/07
JAMES A. KRAMER
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